

SENATE BILL 1263

By Watson

AN ACT to amend Tennessee Code Annotated, Title 6,  
Chapter 54 and Title 8, Chapter 21, relative to  
electronic legal notices.

WHEREAS, there has been a steady decline in newspaper readership in the past  
several decades, while, at the same time there has been an increase in the number of  
households with access to the Internet; and

WHEREAS, many counties and municipalities maintain an official government web site  
that is available to the public twenty-four hours per day; and

WHEREAS, many legal notices published solely in newspapers go unread and unnoticed  
by the public because casual newspaper readers generally do not read the legal notices  
section; and

WHEREAS, permitting the publication of legal notices on an official government web site  
will make those notices more easily accessible to a greater number of people, thereby  
promoting increased public participation in government; now, therefore

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 21, is amended by adding  
Sections 2 through 11 of this act as a new Part 14 for counties and Tennessee Code Annotated,  
Title 6, Chapter 54 is amended by adding Sections 2 through 11 of this act as a new Part 11 for  
municipalities.

SECTION 2. This part shall be known and may be cited as the "Electronic Publication of  
Legal Notices Act of 2011."

SECTION 3.

For purposes of this part unless the context otherwise requires:

(1) "Electronic publication" or "electronically publish" means the public advertisement of a legal notice in hypertext markup language format (html), or an equivalent language format, on an official government Internet web site;

(2) "Government entity" means any county to which this part applies, local governmental entity, governmental agency or municipal corporation created under the laws of this state and located in such county that is required to publish legal notices;

(3) "Legal notice" or "notice" means any matter of a government entity or an individual that, pursuant to law, rule or regulation is required to be officially advertised in a newspaper of general circulation;

(4) "Notice web site" means an Internet web site that is maintained by a government entity, or by a third party under contract with the government entity, that contains links to the legal notices electronically published by the government entity; and

(5) "Official government Internet web site" or "official web site" means the Internet location designated by a government entity as its primary source of information about the government entity on the Internet.

SECTION 4. Whenever a government entity is required by law to publish a legal notice in one (1) or more newspapers for purchases or sales for certain auctions pursuant to § 5-14-108; for notices of public hearings to be held prior to the adoption of a code of ordinances pursuant to § 6-54-508; for notices before amendments of zoning ordinance provisions pursuant to § 13-7-105; or for notices for hearings on ordinance or zoning amendments pursuant to § 13-7-203; or other similar publication notice requirements of a government entity for publication in a "newspaper" or "newspaper of general circulation" for publication of purchases, contracts, zoning or public meetings to conduct official business, the government entity may cause the

required notice to be published on an official government Internet web site instead of a newspaper, provided all of the following requirements are met:

(1) The site is accessible to the public over the Internet at least ninety percent (90%) of the time, twenty-four (24) hours per day, every day of a year;

(2) The government entity's official Internet web site shall prominently display a link to the notice web site, which shall be an index web page containing a list of all current legal notices of the government entity, with links to the full text of those notices, not just to summaries of those notices. The index web page shall also contain a search function and other features that improve public accessibility to legal notices; and

(3) Each web page on the official government Internet web site with a link to the notice website or index web page, as well as the notice web site itself shall contain an e-mail link to submit a complaint to the government entity if access to any legal notice fails.

SECTION 5. The government entity shall review all complaints reported to determine the cause of any access problem and shall document the findings and any action taken to resolve it.

SECTION 6. The government entity shall keep and make available for public inspection all records of complaints and service accessibility failures reported.

SECTION 7. Whenever an individual is unable to access an electronic publication of a government notice, the government entity shall provide a copy of the notice to the individual free of charge.

SECTION 8. Notices shall remain available on the notice web site at least until the last posting date required by law has expired or until the event described in a notice has taken place, whichever is later as required by the records retention manual adopted by the government entity.

SECTION 9. The government entity shall create, or have provided by the notice web site contractor, and keep on file a certification or affidavit of posting that may be required for each legal notice in the same manner as is done for printed notices. The affidavit or certification shall state that the notice was posted from the initial date through either the last posting date required by law or the date when the event described in a notice takes place, whichever occurs later, except that a certification shall not be required to be notarized.

SECTION 10. If someone is unable to access the Internet, individual copies of notices must be available in printed form in the office of the county commission clerk for the county or the city council clerk for the city.

SECTION 11. This act shall only apply in any county having a population of not less than three hundred seven thousand eight hundred (307,800) nor more than three hundred seven thousand nine hundred (307,900), according to the 2000 federal census or any subsequent federal census.

SECTION 12. This act shall take effect September 1, 2011, the public welfare requiring it.